

No. 4681—L. C., Bangalore, dated 26th May 1936.

Under Standing Order No. 49 of the Standing Orders for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee on the Bill to enforce Legislation suppressing Immoral Traffic in the Mysore State is published for general information.

By Order,
C. SUBRAHMANYA AIYAR,
Secretary,
Mysore Legislative Council.

**Report of the Select Committee on the Bill to enforce
Legislation suppressing Immoral Traffic in the
Mysore State.**

We, the undersigned members to which the Bill for the suppression of immoral traffic was referred have considered the Bill at the meetings held on 27th March 1936 and 6th May 1936 and have now the honour to submit this, our report.

2. The Committee consider that the bill should deal mainly with the two connected questions of suppression of brothels and of immoral traffic and have made suitable changes in the bill to bring this out more clearly.

3. In this view we have altered the heading of the bill into "Bill for the suppression of brothels and immoral traffic" and altered the preamble as follows:—

"Whereas it is expedient to make provision for the suppression of brothels and immoral traffic in the Mysore State; It is hereby enacted as follows:—"

4. *Clause 1 (a).*—The word "Mysore" should be omitted in the short title as it is unnecessary.

5. We are of opinion that the Regulation should come into operation only when conditions suitable for its working exist in a particular area and the Government may be empowered to extend it to particular areas when they are satisfied that such conditions exist. In clauses 6, 7 and 8 of the Bill as amended by us, provision is made for rescuing girls from brothels and placing them in rescue homes. The establishment of rescue homes in a local

area is therefore a condition precedent for the extension of these provisions to such area, and we consider that it is necessary to insert a provision to this effect in the clause defining the 'Extent' of the Regulation. We have therefore recast clause 1 (b) as follows:—

"1 (b) The Government may, from time to time, by notification in the official Gazette, apply all or any of the provisions of this Regulation to the whole or any portion of Mysore from such date as may be specified in the notification and may cancel or modify any such notification.

"Provided that sections 6, 7, and 8 shall not be so applied to any area unless the Government are satisfied that there are sufficient number of rescue homes in that area."

5. *Clause 2 (i).*—In the definition of "brothel" the word "habitually" should be inserted after the word "thereof" where it occurs a second time as the characteristic of a brothel is habitual use for purposes of prostitution.

(ii) Definitions of "place of public amusement" "place of public entertainment" should be omitted as clauses 4 and 5 which are the only clauses wherein they occur, are proposed to be deleted.

(iii) In the definition of "prostitution" the word "promiscuous" should be substituted for "indiscriminate."

(iv) In the definition of "Magistrate" the words "a City Magistrate or" should be omitted as a stipendiary magistrate of the First Class will include a City Magistrate.

(v) In view of the provision in the General Clauses Regulation, the definition of "he" is unnecessary and should be omitted.

(vi) The following definition should be added at the end of clause 2:—

"Prescribed" means prescribed by rules made under this Regulation.

6. *Clause 3.*—The provision in the Bill in respect of solicitation has been taken from the Bombay Act which is an enactment specially applicable to the City of Bombay which has its own peculiar problems and difficulties in the matter. The clause is somewhat elaborate and there will be practical difficulties in its operation in Mysore. We are of opinion that it is only where solicitation becomes an annoyance or nuisance, or offends against public

decency, that it should be penalised. We therefore recommend that the clause may be amended as follows :—

“3. Whoever,

(1) in any street or public place, solicits any person for the purpose of prostitution, in such manner as to cause obstruction, annoyance or danger to the residents or passengers or to offend against public decency, or

(2) frequents such street or public place, for the purpose of prostitution or of solicitation so as to constitute a nuisance, or to offend against public decency,

shall be punished with imprisonment for a term which may extend to two months or with fine which may extend to two hundred rupees or with both.”

7. *Clauses 4 and 5.*—As the main purpose of the bill is confined to suppression of brothels and immoral traffic in women and girls, it does not appear to be necessary to deal with offences other than those relating to them. Clauses 4 and 5 which are adopted from the Bombay Act are very wide and aim as it were, at the suppression of prostitution which is not the object of the present bill. Further, the offences as embodied in the clauses are difficult of proof and depend mostly on circumstantial evidence and special presumptions. For these reasons, we recommend that clauses 4 and 5 be deleted and that the subsequent clauses be renumbered.

8. *Clause 6.*—We have amended this clause as follows to make it more clear :—

“4. Any person who induces a woman or girl to go from any place with intent that she may, for the purposes of prostitution, become the inmate of or frequent a brothel, shall be punished with imprisonment which may extend to two years, or with fine which may extend to five hundred rupees or with both.”

9. *Clause 7.*—The wording of this clause is vague. It is not clear what is meant by “bringing into any village or town or city” whether from outside the State or from any other place within the State. It is the taking from one place to another for the business of prostitution that is the essence of the offence. We have therefore amended the clause as follows :—

“5. Any person who takes or attempts to take or causes to be taken from one place to another any woman or girl with a view to her carrying on or being brought up to carry on the business of prostitution or causes or induces any woman or girl to carry on the business of prostitution shall be punished with imprisonment which may extend to two years or with fine which may extend to five hundred rupees or with both.”

10. *Clause 8.*—The words “empowered under this Regulation” should be omitted as they are unnecessary. For the words “of a prostitute” the words “of prostitution” should be substituted, as the latter has been defined.

11. *Clause 9.*—We have redrafted clause 9 as follows :—

“7. A girl who has been removed under section 6 shall be brought before a magistrate having local jurisdiction and such magistrate shall make such inquiry as he thinks fit and if satisfied that the girl is under the age of 18 years, he may make an order that such girl be placed until she attains the age of 21 years or for any shorter period, under such conditions as may be prescribed, in a rescue home provided or aided or recognised by the Government or in such other custody as the Court, for reasons to be stated in writing, shall consider suitable, provided that such custody shall not be that of a person other than a relative of the girl or of a body of a different religious persuasion from that of the girl.”

12. *Clause 10.*—We have recast this clause with some verbal alterations as follows :—

“8. When a girl has been removed from a brothel or disorderly house or place of assignation under the provisions of section 6, the police officer carrying out the removal shall, until such girl can be brought before a magistrate cause her to be detained in a rescue home provided, aided, or recognised by the Government or in such other suitable custody (other than a police station or jail) as may be prescribed in this behalf by the Government, provided, however, that such custody shall not be that of a person or a body of a different religious persuasion from that of the girl.”

13. As the magistrate has power to order the detention of a minor girl in a rescue home or other suitable custody, it is necessary to confer on the person having such custody the powers of a guardian over the minor girl. We recommend that the following clause be inserted as clause 9 on the lines of Section 19 of the Bengal Act, VI of 1933.—

“9. Notwithstanding anything contained in any other law, any person to whose custody a girl is committed by an order made under Section 7 shall, while the order is in force, have the like control over the girl as if he were her parent and shall be responsible for her maintenance and protection and the girl shall continue in his custody notwithstanding that she is claimed by her parent, or any other person.”

14. *Clause 11.*—This clause which has been adopted from the Bombay Act is very elaborate requiring also a special presumption for making out an offence and it

will cause difficulties in working. We consider that it will be sufficient and effective if we provide merely for the case of unlawful detention in a brothel. We recommend that sub-clause (a) be recast as follows, sub-clause (b) being omitted :—

"10. Any person who detains any woman or girl against her will in a brothel for purposes of prostitution, shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both."

15. *Clause 12.*—This clause is supplementary to sub-clause (b) of clause 11 which lays down a special presumption. Since the special presumption clause has been deleted, the majority of us are of opinion that clause 12 should also be deleted.

Messrs. D. S. Mallappa, H. C. Dasappa and T. Ramachandra are of opinion that this clause should be retained with a view to protect a woman rescued from a brothel from any civil or criminal proceedings at the instance of the brothel keeper in respect of any jewels, clothing or money given or lent to her. The majority however considered that the ordinary law itself gives sufficient protection and no special provision is necessary. If jewels, clothing or money have been given or lent to a woman or girl by the brothel keeper for carrying on the business of prostitution, the transaction is unlawful under law and he cannot recover them back.

16. *Clause 13.* This clause has been very elaborately worded—especially sub-clause (iii) for determination of the lease. A simple provision entitling the lessor to determine the tenancy on conviction of the tenant of an offence under this section would be sufficient. We have therefore redrafted this clause as follows :—

"11. (1) Any person who keeps or manages or acts or assists in the management of a brothel shall be punished with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both ;

(2) Any person who,

(a) being the tenant, lessee, occupier, or person in charge of any premises, knowingly permits such premises or any part thereof to be used as a brothel, or

(b) being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same, or any part thereof, to any person convicted under sub-section (1) or clause (a) of this sub-section with the knowledge that such premises or some part thereof are or is to be used as a brothel, or is wilfully a party to the use of such

premises, or any part thereof, as a brothel, shall be punished with imprisonment which may extend to three months, or with fine which may extend to five hundred rupees or with both.

(3) Notwithstanding anything contained in any other law for the time being in force, the owner or lessor of any house, room or place, in respect of which the lessees, tenant or occupier thereof has been convicted under clause (a) of sub-section (2) shall be entitled forthwith to determine such lease, tenancy or occupation."

17. *Clause 14 and 15.*—We have redrafted clauses 14 and 15 as follows:—

"12. Any Police Officer (not below the rank of Inspector) on complaint, and any Police Officer authorised in this behalf by the District Superintendent of Police by special order, may arrest without a warrant any person committing in his view any offences punishable under sections 3, 4, 5 and 10 if the name and address of such person be unknown to such Police Officer and cannot be ascertained by him then and there, or if he has reason to suspect that a false name and address has been given.

"13. Notwithstanding anything contained in any other law for the time being in force, only a Police Officer authorized in this behalf by the District Superintendent of Police may for the purposes of ascertaining whether an offence punishable under sections 3, 4, 5 or 10 has been or is being committed, enter without a warrant any premises in which he has reason to believe that any woman or girl is living in respect of whom an offence punishable under sections 3, 4, 5 or 10 has been committed."

18. *Clause 19.*—We have redrafted the clause as follows:—

"14. No court inferior to that of a stipendiary Magistrate of the First Class shall try offences under sections 3, 4, 5, 10 and 11."

19. We have inserted the usual rule making clause as follows:—

"15. The Government may make rules generally for carrying into effect the provisions of this Regulation and in particular;

(a) for the care, treatment, instruction and the maintenance of girls placed in a Rescue Home or Homes or other suitable custody under Section 7;

(b) for the detention of girls under the provisions of Section 8."

20. As there have been very many changes in the Bill, we recommend that it be republished.

(Sd.) S. P. Rajagopalachari,
(Chairman.)

" F. A. Hamilton.
" S. Subba Rao.
" H. V. Ramaswami.
" A. R. Nageswara Iyer.
" K. R. Srinivasa Iyengar.
" D. V. Gundappa.
" H. C. Dasappa.
" Md. Abbas Khan.
" D. S. Mallappa.
" B. K. Garudachar.
Mr. T. Ramachandra has not yet
intimated his approval.

BILL AS AMENDED BY THE SELECT COMMITTEE.

(Additions are indicated in italics and portions omitted are enclosed in square brackets).

**BILL [TO ENFORCE LEGISLATION SUPPRESSING] FOR
THE SUPPRESSION OF BROTHELS AND
IMMORAL TRAFFIC IN THE MYSORE STATE.**

Whereas it is to expedient [enforce the law regarding] *make provision for the* Suppression of *brothels and* Immoral Traffic in the Mysore State. It is hereby enacted as follows :—

SHORT TITLE.

1. (a) This Regulation may be called the [Mysore] Suppression of Immoral Traffic Regulation of 193

EXTENT.

[(b) This Section, Section 6, Section 12, Section 13; and Section 16 shall extend to the whole of the Mysore State. The rest of this Regulation shall extend, in the first instance, to the Cities of Bangalore and Mysore, but the Government may, by notification, extend to any other